

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK
BUFFALO DIVISION

Swissdigital USA Co., Ltd.,

Plaintiff,

v.

Avon Lifestyle Pvt. Ltd. and

Naina Parekh,

Defendants.

JURY TRIAL DEMANDED

Case No.: 1:20-cv-870-LJV

NOTICE OF SECOND MOTION FOR DEFAULT JUDGMENT

PLEASE TAKE NOTICE that, upon Plaintiff's Memorandum of Law in Support of Its Second Motion for Default Judgment, dated September 12, 2024, the Amended Complaint (ECF No. 17), filed on September 12, 2024, the Complaint (ECF No. 1), filed on July 10, 2020, and all prior proceedings and filings in this action, Plaintiff Swissdigital USA Co., Ltd. ("Swissdigital"), will move this Court, located at U.S. Courthouse, 2 Niagara Square, Buffalo, New York 14202, at a date and time to be set by the Court, for entry of a judgment by default against Defendants Avon Lifestyle Pvt. Ltd. ("Avon") and Naina Parekh ("Ms. Parekh") (collectively, "Defendants") pursuant to Federal Rule of Civil Procedure 55(b)(2) and an award of costs and attorneys' fees. Swissdigital intends to file reply papers if an opposition is filed.

As grounds for this motion, Swissdigital states as follows:

1. The Complaint (ECF No. 1) in this action was filed on July 10, 2020, and the Amended Complaint (ECF No. 17) was filed on September 12, 2024.

2. Swissdigital provided Defendants with actual notice of this lawsuit and attempted to effect service on Defendants pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents. *See* Resp. Order to Show Cause, ECF No. 8. On April 3, 2023, this Court found that “Swissdigital has complied with the requirements of the Hague Convention” and “Swissdigital’s efforts to serve [D]efendants satisfied the due process clause.” Text Order, ECF No. 9.

3. No answer or other defense has been filed by Defendants.

4. Pursuant to Federal Rule of Civil Procedure 55(a), the Clerk of the Court entered default against Defendants on April 4, 2023. The Clerk’s Entry of Default (ECF No. 10) was filed on April 4, 2023.

5. Because the defaulting Defendants have failed to appear or plead, Swissdigital respectfully requests that the Court enter a judgment by default on each of the counts in the Amended Complaint and award the relief requested by Swissdigital, as set forth in the accompanying Memorandum of Law.

Dated: September 12, 2024

Respectfully submitted,

/s/ Dariush Keyhani

Dariush Keyhani

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